

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

EMILIE M. MOUSSA)	
Claimant)	
VS.)	
)	
ST. FRANCIS HOSPITAL AND MEDICAL CENTER)	Docket Nos. 175,837
Respondent)	&180,891
AND)	
)	
AETNA CASUALTY & SURETY COMPANY)	
Insurance Carrier)	
AND)	
)	
KANSAS WORKERS COMPENSATION FUND)	

ORDER

Claimant, Respondent and the Workers Compensation Fund (Fund) appealed the final Award of Administrative Law Judge Floyd V. Palmer dated January 22, 1998. Oral argument was heard on August 5, 1998, in Topeka, Kansas.

APPEARANCES

Claimant appeared by her attorney, Jan L. Fisher appearing for Beth Regier Foerster of Topeka, Kansas. Respondent and its insurance carrier appeared by their attorney, Jeffrey W. Jones appearing for Gary E. Laughlin of Topeka, Kansas. The Kansas Workers Compensation Fund appeared by its attorney, Derek J. Shafer of Topeka, Kansas. There were no other appearances.

RECORD AND STIPULATIONS

The record and stipulations as specifically set forth in the Award of the Administrative Law Judge are herein adopted by the Appeals Board.

ISSUES

Docket No. 175,837 (Date of Accident January 31, 1993):

- (1) Did claimant suffer accidental injury on the date or dates alleged?
- (2) Did claimant's alleged accidental injury arise out of and in the course of her employment with respondent?
- (3) What is the liability of the Kansas Workers Compensation Fund?
- (4) What is the nature and extent of claimant's injury for the three series of accidental injuries culminating on January 31, 1993?

Docket No. 180,891 (Date of Accident April 27, 1993):

- (1) Did claimant suffer accidental injury on the date or dates alleged?
- (2) Did claimant's accidental injury arise out of and in the course of her employment with respondent?
- (3) What is the nature and extent of claimant's injury and/or disability?

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Having reviewed the whole evidentiary record filed herein and, in addition, the stipulations of the parties, the Appeals Board makes the following findings of fact and conclusions of law:

The Appeals Board finds that the Award of the Administrative Law Judge sets out findings of fact and conclusions of law in great detail, and it is not necessary to repeat those herein. The findings and conclusions enumerated in the Award of the Administrative Law Judge are accurate and appropriate, and the Appeals Board adopts same as its own findings and conclusions as if specifically set forth herein as to the issues raised.

The Administrative Law Judge, in this matter, compiled a thorough and well reasoned analysis of both the evidence and the appropriate law in awarding claimant benefits. The Appeals Board, in considering the totality of the evidence, adopts the Award of the Administrative Law Judge in toto as its own.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award of Administrative Law Judge Floyd V. Palmer dated January 22, 1998, should be, and is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of August 1998.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Beth R. Foerster, Topeka, KS
Gary E. Laughlin, Topeka, KS
Derek J. Shafer, Topeka, KS
Office of the Administrative Law Judge, Topeka, KS
Philip S. Harness, Director